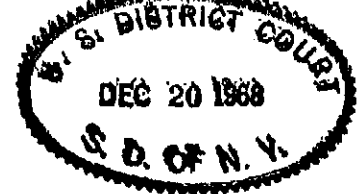


68 CRIM 1024

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



- - - - -x

UNITED STATES OF AMERICA :

- v - :

JOSE RAFAEL RIOS CRUZ, LUIS :
ARMANDO PENA SOLTREN, MIGUEL CASTRO :
and ALEJANDRO FIGUEROA, :

Defendants. :

- - - - -x

INDICTMENT

68 Cr. 1024

The Grand Jury charges:

1. From on or about the 1st day of July, 1968, up to and including the date of the filing of this indictment, in the Southern District of New York and elsewhere, JOSE RAFAEL RIOS CRUZ, LUIS ARMANDO PENA SOLTREN, MIGUEL CASTRO and ALEJANDRO FIGUEROA, the defendants herein, and David Gonzalez, named herein as a co-conspirator but not as a defendant, unlawfully, wilfully and knowingly did combine, conspire, confederate and agree together and with each other and with diverse persons to the Grand Jury unknown to commit offenses against the United States, to wit, violations of Title 49, United States Code, Sections 1472(i) and 1472(j) and Title 18, United States Code, Section 1201.

2. It was a part of said conspiracy that the defendants would purchase or cause to be purchased four tickets for Pan American Flight 281, departing on November 24, 1968, from John F. Kennedy Airport, Queens, New York, destined for San Juan, Puerto Rico, and that the defendants JOSE RAFAEL RIOS CRUZ, LUIS ARMANDO PENA SOLTREN and MIGUEL CASTRO would board said Flight 281.

3. It was further a part of said conspiracy that the defendants JOSE RAFAEL RIOS CRUZ, LUIS ARMANDO PENA SOLTREN and MIGUEL CASTRO, having concealed on or about their persons deadly and dangerous weapons, including pistols, revolvers and knives, would employ those weapons to assault, intimidate and threaten the flight crew members and stewardesses of said Flight 281 so as to interfere with the performance by said flight crew members and stewardesses of their duties and lessen their ability to perform their duties.

4. It was further a part of said conspiracy that the defendants JOSE RAFAEL RIOS CRUZ, LUIS ARMANDO PENA SOLTREN and MIGUEL CASTRO with wrongful intent, would commit aircraft piracy, to wit, the seizure and exercise of control, by force and violence and the threat of force and violence, of said Flight 281, an aircraft in flight in air commerce.

5. It was further a part of said conspiracy that the defendants JOSE RAFAEL RIOS CRUZ, LUIS ARMANDO PENA SOLTREN and MIGUEL CASTRO would transport and cause to be transported in interstate and foreign commerce to Havana, Cuba, persons who had been unlawfully seized, confined, kidnapped and carried away, namely, the passengers and crew of said Flight 281, which would be in the course of flying from John F. Kennedy Airport, Queens, New York, to San Juan, Puerto Rico.

OVERT ACTS

In furtherance of the said conspiracy and to effect the objects thereof, the following overt acts were committed within the Southern District of New York and elsewhere:

1. On or about November 10, 1968, the defendant JOSE RAFAEL RIOS CRUZ met with the defendant ALEJANDRO FIGUEROA, in the vicinity of 221 East 110th Street, New York, New York.

DMD:kfr

2. On or about November 10, 1968, the defendant ALEJANDRO FIGUEROA gave the defendant JOSE RAFAEL RIOS CRUZ the sum of \$300 in New York, New York.

3. On or about November 13, 1968, the co-conspirator David Gonzalez purchased and caused to be purchased four airline tickets in the names of Meliton Rivera, Ramon Guash, Florencio Bonnet and Juanita Bass at Tours Away, New York, New York.

4. On or about November 14, 1968, the co-conspirator David Gonzalez gave four airline tickets to the defendant LUIS ARMANDO PENA SOLTREN in Brooklyn, New York.

5. On or about November 22, 1968, the defendant JOSE RAFAEL RIOS CRUZ brought four airline tickets to the vicinity of 221 East 110th Street, New York, New York.

6. On or about November 24, 1968, the defendant JOSE RAFAEL RIOS CRUZ traveled from 221 East 110th Street, New York, New York, to John F. Kennedy Airport, Queens, New York.

7. On or about November 24, 1968 the defendants JOSE RAFAEL RIOS CRUZ, LUIS ARMANDO PENA SOLTREN and MIGUEL CASTRO boarded Pan American Flight 281 at John F. Kennedy Airport, Queens, New York.

(Title 18, United States Code, Sections 371 and 1201.)

SECOND COUNT

The Grand Jury further charges:

On or about the 24th day of November, 1968, over the high seas and elsewhere out of the jurisdiction of any State or District, the defendants JOSE RAFAEL RIOS CRUZ, LUIS ARMANDO PENA SOLTREN, MIGUEL CASTRO and ALEJANDRO FIGUEROA, the last known residences of three of whom, to wit, the defendants JOSE RAFAEL RIOS CRUZ, LUIS ARMANDO PENA SOLTREN and ARMANDO FIGUEROA, were within the Southern District of New York, and one of whom, to wit, the defendant ALEJANDRO FIGUEROA, was first arrested in the Southern District of New York, while aboard an aircraft in air commerce, to wit, Pan American Flight 281, in flight from John F. Kennedy Airport, Queens, New York, to San Juan, Puerto Rico, unlawfully, wilfully and knowingly, and with the use of deadly and dangerous weapons, to wit, pistols, revolvers and knives, did assault, intimidate and threaten and did aid, abet, counsel, command, induce, procure and cause the assault, intimidation and threatening of the flight crew members and stewardesses of said flight so as to interfere with the performance of said flight crew members and stewardesses of their duties and lessen their ability to perform their duties.

(Title 49, United States Code, Sections 1472(j) and 1473(a);
Title 18, United States Code, Section 2.)

THIRD COUNT

The Grand Jury further charges:

On or about the 24th day of November, 1968, over the high seas and elsewhere out of the jurisdiction of any State or District, the defendants JOSE RAFAEL RIOS CRUZ, LUIS ARMANDO PENA SOLTREN, MIGUEL CASTRO and ALEJANDRO FIGUEROA, the last known residences of three of whom, to wit, the defendants JOSE RAFAEL RIOS CRUZ, LUIS ARMANDO PENA SOLTREN and ALEJANDRO FIGUEROA, were within the Southern District of New York, and one of whom, to wit, the defendant ALEJANDRO FIGUEROA, was first arrested in the Southern District of New York, unlawfully, wilfully and knowingly did commit and attempt to commit and did aid, abet, counsel, command, induce, procure and cause the commission of aircraft piracy, to wit, the seizure and exercise of control of an aircraft in flight in air commerce, to wit, Pan American Flight 281 in flight from John F. Kennedy Airport, Queens, New York, to San Juan, Puerto Rico, by force and violence and threat of force and violence, including but not limited to the threatening display of pistols, revolvers, knives and other weapons, and with wrongful intent.

(Title 49, United States Code, Sections 1472(i) and 1473(a);
Title 18, United States Code, Section 2.)

FOURTH COUNT

The Grand Jury further charges:

On or about the 24th day of November, 1968, over the high seas and elsewhere out of the jurisdiction of any State or District, the defendants JOSE RAFAEL RIOS CRUZ, LUIS ARMANDO PENA SOLTREN, MIGUEL CASTRO and ALEJANDRO FIGUEROA, the last known residences of three of whom, to wit, the defendants JOSE RAFAEL RIOS CRUZ, LUIS ARMANDO PENA SOLTREN and ALEJANDRO FIGUEROA, were within the Southern District of New York, and one of whom, to wit, the defendant ALEJANDRO FIGUEROA, was first arrested in the Southern District of New York, unlawfully, wilfully and knowingly did transport, and did aid, abet, counsel, command, induce, procure and cause to be transported, in interstate and foreign commerce to Havana, Cuba, persons who had been unlawfully seized, confined, kidnapped and carried away, to wit, the passengers and crew on Pan American Flight 281 which was in the course of flying from John F. Kennedy Airport, Queens, New York, to San Juan, Puerto Rico.

(Title 18, United States Code, Sections 2, 1201 and 3238.)


FOREMAN


ROBERT M. MORGENTHAU
United States Attorney